

Dear Neighbor,

Two major rulings were handed down in 2005 that pose a potential threat to two of the most basic rights of Connecticut residents. The right to own property and the right to one's own privacy are guaranteed to all of us under the United States Constitution. That is why I was so troubled this year when the U.S. Supreme Court ruled that eminent domain could be used for private economic development purposes and our own Attorney General said that a legislative committee could have access to personal tax return information.

Please take a moment to read about these two very important issues that could have an effect on the rights of all Connecticut residents. If you have any further questions, please contact me at 1-800-842-1421. I look forward to hearing from you!

Sincerely,

David

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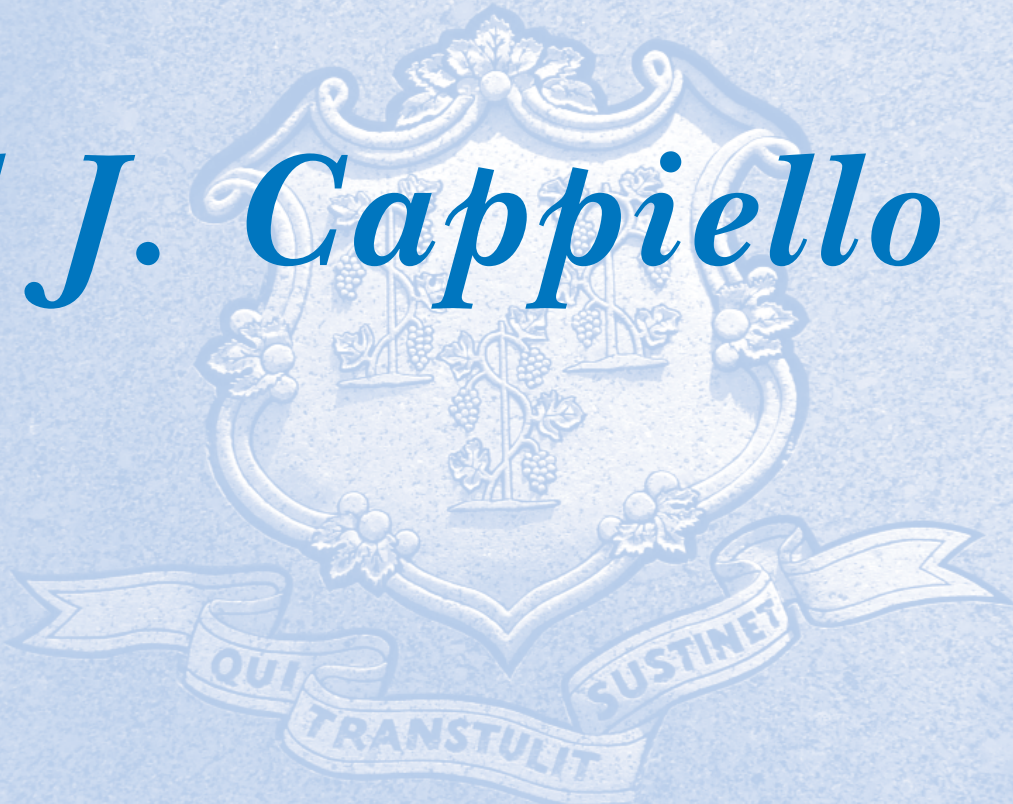
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State Senator

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GOVERNMENT POWER INFRINGES ON INDIVIDUAL RIGHTS

Eminent Domain

Eminent domain, no matter how you look at it, is often viewed by society as one of those “necessary evils.” No one really likes it but in extremely rare circumstances, for purposes of important public works projects, it is often tolerated, albeit reluctantly. But the controversy surrounding eminent domain reached new heights when the Supreme Court ruled last summer that the procedure could be used for purposes of private economic development projects. The narrow 5-4 opinion of the Court has opened the door for ANY local government agency to take property as long as the municipality can determine that the property would be used for the “good” of the public. The ruling seemed to catch just about everyone off guard. That’s because most people believe that one of the most basic rights our country bestows is the right of individuals to buy and own property without fear of the government taking it from them.

What has gotten lost in all of the shock and discontent over the controversy is the fact that the Court ruling reserves the power to enact stricter rules regarding eminent domain to the states. Thus, Connecticut could put an end to this threat by simply enacting legislation.

In fact, when the Supreme Court ruling was handed down, the legislature was in the middle of a special session and could have easily enacted legislation to quell the concerns of state residents. Republicans in the Senate offered legislation that would have prohibited a municipality from taking residential property through eminent domain if that property, as a result of the project, were to be privately owned or controlled. Unfortunately this measure was defeated, mainly along party lines.

I strongly disagree with the Supreme Court’s decision because it puts the rights of every homeowner in jeopardy. As the first state senator to write Governor M. Jodi Rell calling for a separate special session dedicated to eminent domain, I view this as an emergency that requires immediate action, not a study that clouds an issue many people are scared to death about.

Government Access to Personal Tax Return Information

In one of the more shocking developments of 2005, Connecticut’s Attorney General issued a legal opinion stating that a legislative committee has the right to access individual and corporate tax returns. The opinion was issued after the Speaker of the House of Representatives submitted a written request to determine if the Chairman of the legislature’s Program Review and Investigations Committee was legally entitled to access an electronic file containing the tax information for every single resident in the state of Connecticut.

The problem with this practice is twofold. First, individuals should not be fearful that their sensitive tax information will be readily available whenever a legislator wants to subpoena tax records for the sake of completing a study or proving a political point. Secondly, the potential for abuse is far too great and outweighs any benefit a legislative study may provide. After all, this tax information will be available not only to the legislators and the staff of the PRI Committee, but to any of the support staff a legislator may need in the course of working with this material or any private consultant hired by the Committee. It seems likely that this information could be leaked.

I believe we must act to fix this loophole in the law, and I have already started the effort to do just that in the legislature. Unfortunately, a measure I supported that would have prohibited this practice was defeated along party lines in the State Senate. Allowing the government to have access to this information is an incredible affront to privacy and something I will continue to fight against.

